

REMARKS

In view of the amendments to the claims set forth above and the remarks below, reconsideration of the application is requested.

The claims pending for consideration are prior Claims 1 and 3-14. Claim 1 has been amended to incorporate the limitations of prior Claim 2, which is now cancelled. Claim 3 has been amended to change dependency from cancelled Claim 2 to amended Claim 1 and further to remove the objectionable term "substituted" and the incorrect word "unsubstantiated".

The Examiner has rejected Claims 3, 4 and 10-13 under 35 USC 112, second paragraph, as being indefinite in the use of the terms "substituted or unsubstituted" groups. In response Applicant has amended Claim 3 to remove the objectionable (and in the case of "unsubstantiated", incorrect) terms. Applicant respectfully submits that one skilled in the art to which the invention pertains will be aware without need for undue experimentation of the nature of substituents suitable for use, the identity of such substituents not being central to the inventive concept of the use of nanofiltration in the purification of the defined class of synthons.

The Examiner has rejected Claims 1 and 5-14 as being unpatentable under 35 USC 103(a) over WO98/15591 (should be WO98/15581), contending that it teaches methods of purifying nucleotides of various structures using nanofiltration. While noting that the reference is silent on the purification of organic solutions, the Examiner contends that such use would have been obvious and, in any event, that Claims 1 and 5-14 are broad enough to encompass the compounds separated by the WO98/15581 reference. However, the Examiner has indicated that Claim 2, which is specific to purification of nucleoside phosphoramidite or nucleoside H-phosphonate oligonucleotide synthons would be allowable if rewritten in independent form.

In response, Applicant has incorporated the limitations of Claim 2 into Claim 1 (cancelling Claim 2 as a consequence). As a result, it is believed that the rejection of Claims 1 and 5-14 on the basis of 35 USC 103(a) has been overcome.

Applicant brings to the Examiner's attention the fact that a Petition under 37 CFR 1.137(a) to revive the subject application has been filed with this response. Applicant contends in the Petition that the Office Action mailed November 10, 2009 was never received and that the abandonment set forth in the Notice of Abandonment mailed June 7, 2010 was unavoidable.

In view of the amendments to the claims and the remarks set forth above, reconsideration and allowance of the application is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "T. E. Tinkler".

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